

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|--------------------------|---|----------------------|
| In re the Application of |) | |
| Chien Ho, et al. |) | Group Art Unit: 1653 |
| Serial No.: 09/598,218 |) | Examiner: K. Carlson |
| Filed: June 21, 2000 |) | |
| For: LOW OXYGEN AFFINITY |) | |
| MUTANT HEMOGLOBINS |) | |

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, DC 20231

Dear Sir:

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98. The items listed on the enclosed Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider the items and to independently ascertain their teaching.

This Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that:

(1) additional information material to the examination of this application does not exist; (2) the information, protocols, results and the like reported by third parties are accurate or

enabling; or (3) the above information constitutes prior art to the subject invention.

1. ☒ Enclosed is PTO Form 1449 (and a duplicate thereof).
2. ☐ Items listed on the enclosed Form PTO-1449 are not in the English language.
 - ☐ For each of the following items, an English-language translation of that item or a portion thereof or a concise explanation of the relevance of that item is enclosed:
 - ☐ For each of the following items, a concise explanation of that item is incorporated in the specification of the above-identified application:
 - ☐ For each of the following items, a corresponding U.S. or other English-language patent is enclosed. Please consider the U.S. or other English-language patents in accordance with the procedure set forth in MPEP § 609:

3. ☐ Submission in Accordance with 37 CFR § 1.98(d).

Any copy of the items listed on the enclosed Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in Application Serial No. [Ser. No.], filed [Date], of which the present application relies upon for an earlier filing date under 35 U.S.C. 120.

4. ☐ Submission in Accordance with 37 CFR § 1.97(b).

This Information Disclosure Statement is being filed

- ☐ With the application;
- ☐ Within three months of the filing date of a national application;
- ☐ Within three months of the date of entry of the national stage in an international application; or
- ☐ Before the mailing date of a first Office Action on the merits,

and NO FEE is due for consideration of this Information Disclosure Statement.

5. ☒ Submission in Accordance with 37 CFR 1.97(c).

This Information Disclosure Statement is being filed before the first mailing date of either

☐ A final action under \$ 1.113; or

☐ A notice of allowance under \$ 1.311.

☐ A fee is due for consideration of this Information Disclosure Statement and the fee is paid below; or

☒ This Information Disclosure Statement is accompanied by one of the certifications pursuant to 37 CFR \$ 1.97(e), and NO FEE is due for consideration of this Information Disclosure Statement.

6. ☐ Submission in Accordance with 37 CFR 1.97(d).

This Information Disclosure Statement is being filed after the mailing date of either

☐ A final action under \$ 1.113; or

☐ A notice of allowance under \$ 1.311,

whichever comes first, but before payment of the issue fee, and is accompanied by

a. One of the certifications pursuant to 37 CFR \$ 1.97(e), which is set forth below;

b. The attached petition requesting consideration of this Information Disclosure Statement; and

c. The petition fee under 37 CFR \$ 1.17(i)(1), which is paid below.

7. Certification Pursuant to 37 CFR 1.97(e).

☒ The undersigned certifies that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application not more than three months prior to the filing of this Information Disclosure Statement; or

☐ The undersigned certifies that no item of information contained in this Information Disclosure Statement was

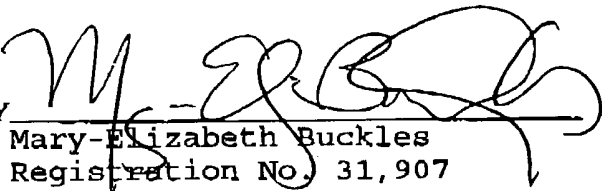
cited in a communication from a foreign patent office in a counterpart foreign application, or to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

8. Fee Payment Being Made.

- ☐ Enclosed
- ☐ \$180.00 fee for submission under 37 CFR § 1.97(c).
- ☐ \$180.00 fee for submission under 37 CFR § 1.97(d).
- ☐ A check in the amount of \$[Amount] to cover the fee payment is enclosed.
- ☐ Charge the fee to Deposit Account No. 18-0582. A duplicate copy of this communication is attached.
- ☒ The Director is hereby authorized to charge payment of any additional fees associated with this Information Disclosure Statement or credit any overpayment to Deposit Account No. 18-0582. A duplicate copy of this communication is enclosed.

Respectfully submitted,

By


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